



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,755	08/30/2001	Kulvir Singh Bhogal	AUS920010510US1	9948
7590	07/28/2005			
Duke W. Yee Carstens, Yee & Cahoon, LLP P.O. Box 802334 Dallas, TX 75380			EXAMINER ELMORE, JOHN E	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,755

Applicant(s)

BHO GAL ET AL.

Examiner

John Elmore

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In response to the previous office action, Applicant has amended claims 1, 3, 6, 9, 11, 15 and 18-19. Claims 19 have been examined.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 4, 6, 9-11, 15, 18 and 19 are rejected under 35 U.S.C. 102(b)** as being anticipated by Kleinschmidt et al. (US 6,085,112), hereafter Kleinschmidt.

Regarding claim 1, Kleinschmidt discloses a method for receiving personal identification information by means of a telecommunication device, the method comprising:

receiving a communication transmission from a communication link (phone call; col. 1, lines 32-33); and

concurrent with receiving the communication transmission, receiving a second transmission from the communication link, wherein the second transmission contains personal identification information about the party sending the communication transmission and wherein the personal identification information is independent of the identity of the device used to send the communication transmission (transmission of image of phone correspondent as personal identification concurrent with phone call; col. 1, lines 33-35 and 66-67).

Regarding claim 4, Kleinschmidt teaches all the limitations of claim 1, and further teaches that the personal identification information is stored in memory on the sending device (it is inherent that an image of a phone correspondent constructed by the sending device must reside in the memory of that device; col. 5, lines 36-40).

Regarding claim 6, Kleinschmidt teaches a method for receiving personal identification information by means of a telecommunication device, the method comprising:

 sending a communication transmission over a communication link by a party (phone call; col. 1, lines 32-33), and

 concurrent with sending the communication transmission, sending a second transmission, wherein the second transmission contains personal identification information about the party sending the communication transmission and wherein the personal identification information is independent of the identity of the device used to send the communication transmission (transmission of image of phone correspondent as personal identification concurrent with phone call; col. 1, lines 33-35 and 66-67).

Regarding claim 9, Kleinschmidt teaches all the limitations of claim 6, and further teaches that the communication transmission is sent using a first channel of the communication link and the second transmission is sent using a different channel of the communication link (col. 1, lines 33-35 and 66-67).

Regarding claim 10, Kleinschmidt teaches all the limitations of claim 6, and further teaches a method wherein the receiving device is one of the following: mobile

Art Unit: 2134

telephone; land-line telephone; voicemail system; PDA; and pager (mobile telephone; col. 3, line 66, through col. 4, line 1; col. 4, lines 57-60).

Regarding claims 11, 14, 15, 18 and 19 this is a computer program product version of the claimed method steps discussed above in claims 1, 4, 6, 9 and 1, respectively. Thus, for reasons discussed above, such claims also are anticipated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 2, 7, 12 and 16 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Kleinschmidt in view of Moon et al. (US, 6,157,954), hereafter Moon, further in view of IMC ("vCard Overview," Internet Mail Consortium whitepaper, 1998).

Regarding claim 2, Kleinschmidt teaches all the limitations of claim 1, but does not explicitly explain that the personal identification information includes at least one the following: name; business name; address; telephone number; fax number; pager number; email address; and web site address.

However, Kleinschmidt teaches that the second transmission comprises digital data of the caller including textual information (col. 5, lines 30-32). And Moon teaches a method of receiving textual information in the forms of an electronic business card as a second transmission over a mobile phone that represents personal identification

information including at least one the following: name, business name, address, telephone number, fax number, pager number, email address, and web site address (col. 2, lines 22-24; col. 4, lines 19-21; col. 5, lines 28-32) for the purpose of conveying to the recipient personal identification information about a sender (col. 1, lines 58-60). Moreover, IMC teaches the concurrent transmission of an electronic business card from a mobile phone during a call to a recipient for the purpose of identifying the sender to the recipient by name and phone number (page 3).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Kleinschmidt with the teachings of Moon and IMC to provide that personal identification information includes at least one the following: name; business name; address; telephone number; fax number; pager number; email address; and web site address. One would be motivated to do so in order to convey to the recipient personal identification information about the sender during a mobile phone call.

Regarding claim 3, Kleinschmidt teaches all the limitations of claim 1, but does not explicitly explain that the personal identification information is stored on a server and retrieved from the server for inclusion in the second transmission.

However, Kleinschmidt teaches that the personal identification information (data communications) is retrieved via a server (col. 2, lines 1-5). One of ordinary skill in the art would recognize that information that is retrieved from a server must be stored in memory on that server, however temporal the nature of such storage. Moreover, Moon teaches an embodiment wherein upon the initiation of a phone call an electronic

Art Unit: 2134

business card is retrieved by a mobile phone from a server where it is stored for the purpose of automatically accessing personal identification information not already available in the mobile phone memory to be transmitted to the call recipient (col. 2, lines 22-24 and 44-52; col. 4, lines 19-21; col. 5, lines 28-32).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify method of Kleinschmidt with the teaching of Moon to provide that the personal identification information is stored on a server and retrieved from the server for inclusion in the second transmission. One would be motivated to do so in order to automate the process of retrieving a caller's personal identification information not already in the memory of the mobile phone upon initiation of a phone call so that the information is ready to be transmitted to the call recipient.

Regarding claim 7, Kleinschmidt teaches all the limitations of claim 6, but does not explicitly explain that the personal identification information includes at least one the following: name; business name; address; telephone number; fax number; pager number; email address; and web site address. However, for the reasons provided in claim 2 above, such a claim would also have been obvious.

Regarding claim 8, Kleinschmidt teaches all the limitations of claim 6, but does not explicitly explain that the personal identification information is stored on a server and retrieved from the server for inclusion in the second transmission. However, for the reasons provided in claim 3 above, such a claim would also have been obvious.

Regarding claims 12, 13, 16 and 17, this is a computer program product version of the claimed method steps discussed above in claims 2, 3, 7 and 8,

respectively. Thus, for reasons discussed above, such claims also would have been obvious.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Budd et al. (US 5,970,418) discloses a mobile phone that receives an image of the person to whom the caller is speaking to on a separate communications channel during a phone call.

Schmidt (US 6,018,668) discloses a mobile phone wherein a user receives caller ID information from a caller on a separate communications channel during a phone call.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2134


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Elmore whose telephone number is 571-272-4224. The examiner can normally be reached on M 10-8, T-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 571-272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JE

David Y. Jung
Primary Examiner


2/21/06